S
P235.1.15
D-162

THE REV. C. CHINIQUY,

THE PRESBYTERY OF CHICAGO,

AND THE

CANADA PRESBYTERIAN CHURCH,

BY THE

REV. ALEXANDER F. KEMP, M.A.,

MONTREAL.

1863.

REPRINTED FROM THE CANADA OBSERVER.

A 30410

TORONTO PUBLIC LIBRARY REFERENCE

NOV 27 1936

THE REV. C. CHINIQUY,

THE PRESBYTERY OF CHICAGO,

AND THE

CANADA PRESBYTERIAN CHURCH.

LETTER NO. 1.

In the month of July last I presented an informal report to the Church at large, through the public press, of the proceedings of the committee appointed by the Synod of the Canada Presbyterian Church to inquire into the case of Mr. Chiniquy. That report concluded with the statement that the committee purposed making a representation to the Presbytery of Chicago on the subject in the hope that it might lead to a favourable issue.

In the course of their inquiry the committee found that the affairs of Mr. Chiniquy and his people were so interwoven with the Presbytery of Chicago and the Educational Board of the Old School Presbyterian Church, that it would be difficult and hazardous to separate them. The Board and the Presbytery together held mortgages over their Church and School property, and *notes* to a considerable aggregate amount, for which their private property was answerable, on account of money advanced from charitable funds for the relief of the people during the period of their distress. They owned also the "Children's Church," the walls only of which have been erected and which was originally intended for the use of Mr. Chiniquy's people. The committee likewise felt that the Old School Presbyterian Church were, from their numbers, wealth, influence, and local relations to the French people in Illinois, better able to carry on the work of the mission inaugurated by Mr. Chiniquy than could be the distant Church in Canada. In these circumstances the committee thought they would be doing a service to their poor countrymen in Illinois, and to the work of reformation among them if they could bring about a reconciliation between Mr. Chiniquy and the Presbytery.

The committee accordingly requested their convener to appear in their name before the Presbytery of Chicago, indited to meet at Earlville, Ill., on the fourteenth of October last, and present to them, with such explanations as he might consider necessary, the following document :—

To the Reverend the Presbytery of Chicago of the Presbyterian Church of the United States.

Dear Brethren in Christ—

We beg leave respectfully to inform you that we have been appointed, by the Synod of the Canada Presbyterian Church, to make inquiry regarding the position and circumstances of the Rev. C. Chiniquy and his congregation, at St. Ann, Kankakee, Illinois.

The Synod was led to make the appointment by reason of an application presented at their meeting in June last, from both Mr. Chiniquy and his congregation, to be received into communion with our Church in Canada.

Documents were presented to the Synod purporting to be Acts of Separation by both the above parties from the Presbytery of Chicago, and petitions to our Synod to be received by us.

Mr. Chiniquy himself appeared at the Synod, and made certain statements explanatory of these documents and proceedings.

In these circumstances, the Synod feeling a deep interest in Mr. Chiniquy and his people, deemed it both respectful to the Presbytery of Chicago and becoming to themselves, to send a committee to the locality to obtain such information as would enable said Synod to determine the path of duty in the case.

The undersigned accordingly, as instructed, visited St. Ann and Chicago in June last; and by intercourse with the brethren of your Presbytery and others, endeavoured to the best of their ability to discharge the duties assigned them.

We beg to acknowledge having received through your Stated Clerk, the Rev. J. M. Faris, a minute of Presbytery, of date June 19th. 1862, informing us officially that Mr. Chiniquy had been deposed by you for contumacy, and offering us every information in your power on the whole subject. For this act of courtesy we would thank you. We have availed ourselves of your offer, and have received from Mr. Faris, and others, oral and documentary information of importance to us.

We only became acquainted with the fact of Mr. Chiniquy's deposition on our way to Chicago, and felt at the time that it was a new element in the case which we did not contemplate and which gave it a somewhat different aspect from that in which it before appeared to us.

On our being informed of all the circumstances connected with this procedure, we advised Mr. Chiniquy that the Presbytery could not well accept of his Act of Separation in the face of charges formally laid before them against him, and that he ought to have withdrawn his declination of the Presbytery's jurisdiction, at least until the prosecution had been issued.

We succeeded in convincing Mr. Chiniquy that this was the course which he ought to have pursued; at the same time he had difficulty in understanding why he could not, under the circumstances, separate himself from the Presbytery of Chicago.

We found, too, that his application to our Synod stood in the way of his withdrawing his Act of Separation from your Presbytery, and submitting, as he ought to have done, to your discipline. He felt that he could not withdraw that Act of his without appearing to deal deceitfully with us. He had in some sense placed himself in our hands, and felt that, without our consent, he could not resile from his application to us, which he must have done had he withdrawn his Act of Separation from you.

This is a position in which Mr. Chiniquy would not have placed himself had he been at all acquainted with our Presbyterian forms of process, and it is an aspect of his case which merits consideration on our part and we trust also on yours.

We would respectfully make this representation to the Presbytery of Chicago, trusting that, along with other considerations that may suggest themselves, it may lead you to reconsider your action in regard to Mr. Chiniquy and to adopt such further proceedings in the case as may conduce to the right settlement of the difficulties in which Mr. Chiniquy and his people are involved, and to the promotion of the cause of Christ among the French Canadian converts in Illinois.

We have appointed Mr. Kemp to represent us before your reverend court, and to give such explanations of our objects and wishes as you may require, and to receive such further information on the case as may enable us to present a final report to our Synod.

As instructed, I presented the paper to the Presbytery, and made such statement to them as appeared to me requisite to explain the interest which the Church in Canada naturally took in Mr. Chiniquy and his people, and our desire that nothing should hinder the progress of the work of reformation which, in Providence, had so far been accomplished through the instrumentality of Mr. Chiniquy. I indicated that possibly, if the Presbytery would take a loving, rather than a legal or technical view of the case, a way might be found to reconcile Mr. Chiniquy and his people with them—that at all events, a committee of their number might be appointed to inquire and consider whether such an issue was attainable, and how far Mr. Chiniquy himself was prepared to satisfy their requirements.

The Presbytery received me very courteously and heard me with interest and patience. At their hands I received kindness and hospitality. Having finished what I had to say and answered several questions put to me as regards the use of the word "Celiega" by the French people of Lower Canada, I was followed by two or three of the members who, it was pleasing to find, took a very kindly view of the case, and were disposed to try what could be done to bring about a reconciliation. It was accordingly moved and seconded—"That the whole subject of the difficulties connected with the French Mission of St. Ann's and Kankakee be referred to a committee of five, to enquire whether they may not in some way be satisfactorily settled, and report to Presbytery at next stated meeting."

On this motion there was a little discussion, but finally debate was arrested by a motion being carried—"that the motion do lie on the table." This form of proceedure is quite unknown to the British Presbyterian Churches and requires explanation. It appears that in the American Churches a motion to lay anything on the table arrests discussion and is immediately without debate put to the vote and, if carried, the whole matter there and then takes end and cannot be resumed, unless by motion it be taken up from the table. A motion to this latter effect was made next day in the case, but it was voted down, and so the question lies on the table of the Presbytery of Chicago. Against this decision the mover of the original motion complained to the Synod of Chicago, which was to meet the next day in the City of Mendota. The members of the Presbytery who had been engaged in the prosecution of Mr. Chiniquy were seemingly determined not even to discuss the question, or to resile in the least from the position in which they stood. Very earnest and brotherly appeals were made to them to take a kindly and loving look at the case; but they seemed to regard such pleas as having some sinister design in them rather than, as they truly were, sincere expressions of Christian feeling.

I went to the meeting of the Synod at Mendota to see what would be the issue of the complaint, and with an idea that proably it might be my duty to carry the case by representation to them. At the Prairie City I met with a large number of the ministers of the Presbyterian Church of the West. Most considerate hospitality and kindness were shown me by the people. The meeting of the Synod was one of much interest. They kindly asked me to sit with them. After waiting two or three days I found that as the complaint pertained merely to a matter of form and did not touch the merits of the case; it was judged expedient by its promoters to withdraw it. It was, however, supposed that on the review of the minutes some points pertaining to the case might be brought before the Synod, but after consideration I judged it proper to take no further steps in the matter, as it was manifest that nothing further was to be expected from the Church Courts.

The Presbytery again met at Mendota, and approved of a reply to my communication, which has since been sent to me, and is as follows:--

To the Committee of the Synod of the Canada Presbyterian Church.

Beloved Brethren in the Lord,—

Your communication relative to Mr. Charles Chiniquy lies before us.

We beg leave to assure you that we reciprocate the kind and fraternal spirit in which you address us; that it has given us unfeigned pleasure to receive the Rev. Mr. Kemp as your commissioner: and that it is our sincere desire, we trust, with our brethren of the same faith and same household, to be earnestly and scripturally engaged in promoting the interests of our common Zion, and our common Lord.

Unhappily, we are sorry to say, Mr. Chiniquy is, at present, under the sentence of deposition for contumacy. The whole proceedings of the Presbytery in the case are spread out on the records of our Presbytery. To these records our brethren of the Synod of Canada can have the most free access for examination, and, if in the Providence of God, the way should be open, as we sincerely and earnestly pray, whereby this sentence of deposition may be constitutionally and scripturally removed from off our unhappy brother we shall rejoice most promptly and earnestly to do it.

Trusting that we may be guided by the spirit of our Divine Master, and that we may ever be actuated by that charity that suffereth long and is kind, we remain affectionately yours in the Lord,

J. H. NESBITT,
Moderator.

The meaning of this letter is simply that they will only receive Mr. Chiniquy on his submitting, in the most unreserved manner, acknowledging sin, and accepting of whatever censure the Presbytery may please to impose.

To this, however, Mr. Chiniquy will on no account submit. It was with difficulty that he agreed to allow the statements of our paper to be made on his behalf, and only then on the understanding that he should be at liberty, when the case was is sued, and if he thought proper, again to apply for recognition to the Canadian Church. Mr. Chiniquy has the idea that he is the injured party and is entitled to some apology at the hands of the Presbytery for the treatment he has received from them.

I met Mr. Chiniquy by appointment in Chicago, and after the meeting of Presbytery went with him to Kankakee. I there met Mr. Demers, a most promising young Frenchman who is labouring with much zeal and acceptance in the City of Kankakee among the converts, and at much sacrifice maintaining service in their handsome stone Church. The congregation here, although much scattered, met me to the number of about 150 people. I preached to them and made such statements regarding our proceedings, assuring them of our sympathy and expressing our hope that the Church in Canada would, on our report, hold out to them the friendly hand of recognition. I visited also St. Ann's, and, although not expected, yet in the course of a few hours, I found a congregation of from 250 to 300 persons assembled in the Church, To these also I preached the Gospel, Mr. Chiniquy translating, and gave them such encouragements as the circumstances warranted, assuring them of the sympathy of the Canadian Church, and that the result of our investigations was the conviction that the charges against Mr. Chiniquy could not be sustained, and would not impair our confidence in him as a Christian minister.

I shall report upon these charges somewhat in detail in my next letter.

I am yours, etc.

ALEX. F. KEMP.

LETTER NO. 2.

THE DEPOSITION FOR CONTUMACY.

To understand the actual position of Mr. Chiniquy in relation to the Presbytery of Chicago, it is necessary to go back to the first prosecution which was instituted against him by the latter.

It would appear that in the summer of 1861, M. Chiniquy was formally tried by the Presbytery at the instance of "Common Fame," on a charge of falsehood, with six specifications, and a charge of obtaining money on false pretences, with two specifications. The case was thoroughly gone into, evidence on both sides was led, and judgment was given, the Presbytery acquitting Mr. Chiniquy on all the counts. An appeal was taken to the Synod, and the Synod, after a careful hearing of the case, sustained the decision of the Presbytery by a majority of 32 to 7. The Synod declared, "That after a full and patient hearing of all the records and testimony, the Synod, while recognising the indications of certain indiscretions and exaggerations in the conduct and statements of M. Chiniquy, calling for earnest and affectionate admonition on the part of the Presbytery, nevertheless, does adjudge that the complaint against the decision of the Presbytery is not sustained, but fully approves of the acquittal of Mr. Chiniquy of the charges preferred against him, and would earnestly recommend all parties to cultivate the spirit of charity, and to follow the things which make for peace." The Synod also adopted the reasons which the Presbytery gave for its decisions, among which we find it stated—"The Presbytery find nothing in the evidence that ought to impeach the sincerity of his (M. C's.) motives, or the regularity of his character, and do hereby acquit him of all the charges."

Five months after this, in March, 1862, the Presbytery again entered on the consideration of Mr. Chiniquy's affairs, on a report from their French Mission Committee, the result of which at that time was that, as requested by Mr. Chiniquy, a Committee of Arbitration was appointed, two of whom were named by the Presbytery and two by Mr. Chiniquy, they choosing a fifth; one condition being that Mr. Chiniquy should withdraw a certain civil suit which he and another had instituted against the Rev. Mr. Staples, of Kankakee, calling for an account of the administration of certain monies entrusted to him by Mr. Chiniquy.

At the next meeting of the Presbytery in April, this Committee reported a paper sent to them by Mr. Chiniquy, withdrawing the suit against Mr. Staples, and asking the Presbytery whether the terms were satisfactory, and in accordance with the pledge given by Mr. C. On motion, it was resolved, that "they could not be so regarded." The Pres-

bytery's Minute does not state what the terms were, nor does it appear that Mr. Chiniquy was present at the meeting, or asked to amend the terms of his paper, or that any intimation was given him that said terms were objected to. The only explanation obtainable of this matter is, that Mr. Chiniquy had not promised, in withdrawing the suit, not to institute it again. Immediately thereafter, it was moved and carried, that the whole subject be postponed, and the case be taken up at an adjourned meeting, to be held at Chicago on the 23rd inst.

At this meeting a report on the College at St. Anne's was adopted by the Presbytery, in which they deny the existence of said institution and of the pupils, which were alleged by Mr. Chiniquy to be, or to have been, under instruction in it. Against this action of the Presbytery Mr. Chiniquy complained to the Synod; nevertheless, it was immediately published in all the newspapers as their final verdict.

At the same meeting the subject of a civil prosecution against the Rev. Mr. L'Hote for slander, was taken up, of which he had been found guilty by the jury, and fined in the sum of $400, on, as the statements before the Presbytery alleged, the testimony of Mr. Chiniquy, and to evade the payment of which he had left the State. For this and other reasons, a Committee was appointed, to arrange charges and specifications in the name of "Common Fame," and in a form suitable for actual judicial process against the Rev. Charles Chiniquy." On the afternoon of the same day, this Committee reported, "that from all the facts reported by the Committee on French Missions, and brought out in the progress of the investigation by Presbytery, the Presbytery feel that they are compelled to institute a formal judicial process against the Rev. Chas. Chiniquy; and do therefore now order that he shall be tried upon the following charge and its several specifications, in the name of "Common Fame" as accuser." This charge was of "unministerial and unchristian conduct" under several sub-charges and specifications.

Mr. Chiniquy was not present at this meeting; at least he does not appear from the minutes to have been present, or to have been aware of the proceedings.

A Committee of Prosecution was appointed; the parties were all cited to appear at Chicago on the 18th June; and the Presbytery of Philadelphia was requested to take the evidence of Mr. L'Hote, who had by this time gone to that city.

It will thus appear that six months after the termination of one toilsome and costly prosecution, Mr. Chiniquy was again arraigned to pass through another process in which his ministerial and personal character was involved. Had he been a veteran Presbyterian minister he might have girded himself for the conflict, and, trusting in God, have awaited the issue in the knowledge that the forms of the church could be used as effectively for defence as for attack. But when it is considered that he had only recently joined the O.S. Presbyterian Church and could, in the nature of things, have but an imperfect knowledge of its somewhat intricate legal forms, it is not to be wondered at if he felt somewhat perplexed.

Unfortunately, at this juncture, some of his warmest friends who had all along stood by him were dissatisfied at the prosecution of Mr. L'Hote, of which they, without good reason, imagined Mr. C. to have been the instigator, and, deprived of their aid, left almost entirely to his own resources, he resolved on such a course as appeared to him to afford relief from the unrelenting prosecution to which he was subjected. Along with his congregation, he accordingly separated from the Chicago Presbytery and made formal application to be received into the fellowship of the Canada Presbyterian Church.

In doing this he was, however, led to believe by friends in whose judgement he thought he could confide, that the Presbytery would not be averse to get rid of the prosecution in this way and would, although it might be informal, accept of his Act of Separation and close the case. This course was both approved of and endorsed by some of the best men in the Presbytery, and Mr. Chiniquy, confident in his innocence, deemed that it was a course he might without censure adopt.

He felt indeed as if he had no alternative. His pecuniary resources had by this time been exhausted. The action of the Presbytery had cut off all the contributions which came to him from the United States and England; by the failure of Gilpeck & Co's. bank he had lost $7000; and where was he to find the funds to carry 30 or 40 witnesses from their distant homes to the city of Chicago? he felt himself unable to cope with his determined prosecutors. What then was he to do? Should he succumb under the storm and permit himself and his cause to be crushed? He bethought himself of the Presbyterian Church of his native country, comprising ministers and people from whom he had received both sympathy and aid, and to them he resolved to appeal.

Mr. Chiniquy accordingly sent in an act of separation to the Presbytery which met at Chicago on the 16th June, and went in person to Toronto to present his petition to the Synod of the Canada Presbyterian Church.

This was his answer to the Presbytery's citation, and being received by them they deemed it "not relevant to the matter in hand" ordered it to be put on file, and came to the following finding, "Whereas the Rev. Chas. Chiniquy is now on trial before this Presbytery, charged by Common Fame with crimes deeply affecting his christian and ministerial character, and whereas being duly cited he has failed to appear; and whereas Presbytery is creditably informed that he left a few days since for Canada, if not for Europe, without making any communication to the Presbytery in relation to his departure or the necessity therefor; therefore, Resolved that, in the judgment of this Presbytery, the interests of religion imperatively demand that he be, and he hereby is suspended from the exercise of his ministry until his case is duly issued." They further ordered that his suspension should at once be published in all the religious newspapers of America, Canada, and Europe; and at their suggestion a private letter was sent to Dr. Thomas, of London, warning him against Chiniquy and arresting the charitable funds which he held on Chiniquy's behalf.

That it was competent to the Presbytery to do all this may be admitted. The *summum jus* may be

invoked as a warrant for their proceedings, but the course was most unusual and but rarely resorted to. Had Mr. Chiniquy been the most criminal of men they could not have acted toward him with greater severity. In his absence, without the power of appeal, this Presbytery branded him, throughout the two continents of Europe and America, as a man arraigned for "crimes deeply affecting his christian and ministerial character" and as a fugitive from justice. It is evident that the Presbytery were in a fright; and that on a mere rumor, without the judicial gravity and caution which might be expected of a court of Christ's church, contrary even to the evidence which Mr. Chiniquy's own paper afforded them, they assumed that, conscious of guilt, he was shirking investigation into his conduct by flight. Had Mr. Chiniquy been acquainted with the powers of Presbyteries over their members in judicial causes he never would have put himself to this extent in the power of the Presbytery of Chicago. Ignorant and unsuspecting of what they could to damage him and his cause in the eyes of the christian world, he meanwhile was seeking relief in good faith from prosecutions, which he felt had gendered into persecutions. To a brother whose position demanded the maximum of consideration and charity the Presbytery dealt out the maximum of their severity.

After suspension Mr. Chiniquy was again cited to appear, this time, at Kankakee, near his own residence, on the following week, that there and then his case might be proceeded with. By this time Mr. Chiniquy had returned from Canada, and when the Presbytery next met he gave in a paper to the effect that at the request of his congregation he had of his own free will disconnected himself from the Presbytery of Chicago and the U.S. Presbyterian Church and requesting the Presbytery therefore not to trouble themselves any more about him, and that if there was any want of technicality in the act hoping that the good sense of the members would show them that they were losing time by sticking to these technicalities when the free and christian will of himself and congregation had been so well expressed. He trusted that this respectful answer to the Presbytery might be accepted as his reply to their citation.

When however, the Presbytery were about to proceed with the case, Mr. Chiniquy made his appearance with a number of witnesses and asked to be heard. He was told that he would be heard in his defence if he would withdraw his response to the Presbytery's citation and submit himself to the jurisdiction of the Presbytery. This he refused to do. He had withdrawn from them and applied for admission into another Church and he could not now recede from his position. If this act of separation was not sufficient he wished to be informed how he could disconnect himself from the Church in a formal way. From what I can learn Mr. Chiniquy continued to speak on this subject and pressed for information upon it, intimating at the same time his willingness to go on with the case they had against him. The result was that the Presbytery got impatient and failing to silence Mr. Chiniquy, they resolved "That they could no longer endure such interruption of their proceedings nor hear the accused any further unless he would consent to stand a regular trial withdrawing the above written paper:—and only in an orderly way.

Mr. Chiniquy still persisted on being informed about the rules of the Church in his case and on obtaining satisfaction to his own mind, offering nevertheless to proceed with the trial. Irritated at this the Presbytery further resolved "That the Presbytery of Chicago do and hereby does respectfully appeal to the Mayor of the City to protect the court as a religious assembly from further disturbance." The Mayor who happened to be present and who, by the by, was also the Committee's attorney in the collection of their Notes, notified Mr. Chiniquy that he would be obliged to send him to prison if he continued to speak any further. It is here to be noted that although the minutes of Presbytery describe Mr. Chiniquy as "indulging in loud and violent remarks" yet it appeared on inquiry that all that could be chargeable against him was that he "insisted on speaking." I was careful to interrogate several of the members of Presbytery who were present on that occasion if Mr. Chiniquy had used improper or abusive language to the Presbytery or had behaved himself in a violent way, and the uniform testimony was that he had not, and that his language was uniformly respectful; only that, to the annoyance of the Presbytery and the hindrance of their business, he had persisted in speaking and in asking questions.

On being threatened with imprisonment Mr. Chiniquy immediately left the meeting deeming that his liberties had been infringed by a threat of imprisonment.

The Presbytery after he left cited him again but he refused to appear "because that they were tyrannical and threatened to put him in jail and would not allow him to defend himself;" that he had been there with witnesses to defend himself, and the Presbytery would not allow him to do it. On this occasion he is also alleged to have denounced and villified the Presbytery and said thrice "God bless them."

The citation being disregarded, the Presbytery proceeded to depose Mr. Chiniquy "from all the functions of the Gospel ministry for contumaceously refusing, after citation, to submit to a regular trial, for claiming to have renounced the Presbytery's jurisdiction, and for acting so disorderly a part as to require the interposition of a civil magistrate to protect the Presbytery;" and all in accordance with the Book of Discipline Chap V. Sect. II. in reference to ministers accused of "atrocious crimes."

Let it here be observed; 1. That Mr. Chiniquy separated himself from the Presbytery while under process; 2. That nevertheless he was willing to submit to trial and to go on with his case; 3. That to the annoyance of the Presbytery he insisted on obtaining information on the points at issue between himself and them; 4 That before exhausting their own censures for the maintenance of order, the Presbytery invoked the interference of the civil magistrate; 5. That against one of their own members for simply speaking, they issued a threat of imprisonment and actually brought the magistrate within the court to enforce their decision; 6. They depose Mr. Chiniquy hastily, at a special meeting of Presbytery, when only 7 ministers out of 32 were present, and under the influence of excited feeling;

7. They summarily order this severe act to be published at once in all the religious newspapers of the United States, Canada, and Europe; 8. That the parties prosecuting, the witnesses, for the most part, and the judges were the 6 or 7 ministers and elders of the Presbytery present at this meeting, some of whom were personally interested in the case.

On the one hand we have Mr. Chiniquy alone, without a single friend to advise him, very imperfectly acquainted with the processes of the Church or the powers of Presbyteries; and on the other a body of men who had been his prosecutors for the last twelve months, some of whom had become personally and intensely adverse to him and were suing his people by civil process for the recovery of money or goods granted them in the time of their distress, from charitable funds designed for their use and benefit; men besides thoroughly acquainted with all the forms and usages of their Church and wielding these with great ingenuity to the utmost limit of their power. Under such circumstances what could be expected but that Chiniquy would blunder his own case, put himself in the power of his adversaries, and leave himself open to be severely dealt with under the forms of a somewhat flexible law. This case is one, as appears to me, in which the *summum jus* has resulted in the *summa injuria*. The discipline of the Church, primarily designed for reformation, has, as appears to me, been made the instrument of penalty and persecution. All along the Presbytery seem to have acted as on a foregone conclusion of Mr. Chiniquy's guilt, and with prejudices, and impressions on their minds regarding him, that rendered them unfit to discharge with impartiality and without bias the delicate functions of judges in the case. To an onlooker, acquainted with the case, it would appear that, guided by the ordinary principles of charity and justice, not one of these gentlemen should have put forth their hands to the solemn act of deposing a servant of Christ with such haste, and that if the odious act must be done it should have been left to the determination of those who had not become personal adversaries of the accused.

In my next letter I shall consider the charges brought against Mr. Chiniquy.

ALEX. F. KEMP.

Montreal, March 24, 1863.

LETTER NO. 3.

THE CHARGES AGAINST MR. CHINIQUY.

The Church at large will doubtless wish to know something of the charges which, for the second time, the Presbytery of Chicago have brought against Mr. Chiniquy—to satisfy this reasonable desire shall be my endeavour in this letter.

It would appear that, after the Presbytery had deposed Mr. Chiniquy, they proceeded forthwith, at the same meeting, to take evidence in his absence on the various specifications of the libel or charges. They inferred that the "Book of Discipline" warranted such an unusual course, and also considered it expedient for the defence of the Presbytery, should their action in the premises be at any time assailed. Several witnesses for the prosecution were accordingly called and examined on oath. One of their own number was appointed to represent the deposed Chiniquy, who went through the form of cross-examining the witnesses, but no evidence was offered for the defence. While this evidence cannot be regarded in any other light than purely *ex-parte*, it is however valuable as an exponent of the grounds of the Presbytery's whole procedure in the case.

In regard to this evidence—a copy of which has been obtained from the Presbytery—I would note that a good deal of it consists of what are known as *leading questions*, some of which are indeed of the most flagrantly suggestive kind; it contains also "affidavits" from absent parties—a species of evidence inadmissible and unknown in criminal prosecutions except as dying declarations; it further admits newspapers without the least authentication. One of these is the *British Ensign*, alleged to contain a letter copied from the London *Record*, "to which paper it," as the evidence states, "seems to have been addressed." These things I merely note in passing as peculiar features of the evidence; still, whatever it is, it providentially, in my judgment, affords materials for a complete vindication of the accused, from the several offence with which he is charged.

Leaving the evidence for the present, and adverting for a little to the libel or charges, we shall find this document also on examination to be somewhat peculiar in its structure.

It contains, first, the major charge of "Unministerial and Unchristian Conduct." Now, to those acquainted with the forms and principles of the Church's criminal procedure this will appear a very singular and unusual major. It manifestly includes everything conceivable that a minister may say or do, from the smallest impropriety to the gravest crime. To me this seems a net through which it would be hard for the best men in the Church to pass without arrest; and its adoption is only conceivable on the supposition that it was designed to render escape from conviction impossible. This idea is strengthened when one looks at what are called the "specifications" of the charge. These are six in number, but, in point of fact, are not specifications at all, but *general* accusations. The first is "Conniving at and abetting fraud;" the second, "Misrepresentation;" the third, "Reporting Certain Remarks with Distortions;" the fourth, "False-witness bearing;" the fifth, "Attempting to procure a False Statement from a Christian Minister;" the sixth, "Violating the rules of the Book of Discipline in their spirit, etc." Now, most people would say these are *generals* not *specials*, and that they are the proper major charges of the prosecution; the particulars which follow them being the specifications proper. Why this piling of charge upon charge, and this departure from the usual and well understood form of libel—from the form, too, in which the Presbytery prosecuted the first set of charges? The reply is, that the first set of charges failed because, as was supposed, they did not embrace a field of offence sufficiently wide and general. The Presbytery, therefore, resolved that the second set should not fail from any such defect, hence they devised a form which would secure, that, if the specifications proper did not prove the accusations of Conniving at and abetting fraud, etc.," they would at least secure conviction of the wide accusation of "Unministerial and Unchristian conduct." Such in substance were the explanations given of the peculiar triple form of charge by which Mr. Chiniquy was to be tried. In most Presbyteries of the Presbyterian Church in general, such a set of charges would have been dismissed as irrelevant and irregular.

Passing now from the form of the prosecution, let us look at the so-called specifications in their order.

The first is, "Conniving at and abetting fraud: in helping to prevent the payment and collection of a certain promissory note—Louis Mercier being payer, and the Rev. M. W. Staples and the accused (Chiniquy) joint payees—said note being transferred to the Rev. J. B. L'Hote, the accused assigned it without notice, that he had received payment in whole or in part, and afterwards when it had to be sued, he, on oath before the Civil Court alleged he had received payment for said note in full, some considerable time before he had assigned it, as though it had been paid."

This involved and complicated statement resolves itself, on evidence, into the following particulars, viz:

1. That monies collected through the *Presbyterian* newspaper of Philadelphia, for the purpose of relieving the distress prevalent among the French people of St. Ann's and Kankakee, were sent by the proprietors of said paper to Mr. Staples, to be by him distributed according to the best of his own judgment.

2. That Mr. Staples bought with these monies seed wheat, out of which, at the recommendation of Mr. Chiniquy, he gave Mercier thirty dollars worth, taking his note for the amount, and making it payable to Mr. Chiniquy and himself.

3. That the reason of taking the note from Mercier was not because the money which purchased the wheat was borrowed and must be returned to the lenders, or that such a condition was attached to it by the donors, but that, in the judgment of Mr. Staples, interest ought to be paid on this charity, and in good times, when the parties were able, the principle itself should be returned for the purpose of establishing and maintaining schools among the French people. To this arrangement it would appear that the recipients of this bounty willingly acceded, and hence gave their notes without hesitation; but they never imagined that they were to be sued at the option of the payers for restitution of these gifts.

4. These notes passed into the hands of a French Mission committee appointed by the Presbytery, who, for ulterior purposes unknown to Mr. Chiniquy, desired that said notes should be assigned to them by the payees. For this purpose the committee put them into the hands of Mr. Murray, a lawyer, and the Mayor of Kankakee, who, as their agent (and not Mr. L'Hote's as the specification seems to imply,) obtained assignment of Mercier's note from Mr Chiniquy—which he, without hesitation, gave.

5. That Mr. Murray held this note of Mercier's, as attorney for the committee, for two months after it had been assigned; after which, at the order of the committee, Mr. L'Hote was allowed to select it, along with others, to the amount of $600, in payment of services as teacher at St. Ann's and Kankakee.

6. That thereafter Murray held these notes for Mr. L'Hote as his attorney, for a month or so, after which, for money advanced to Mr. L'Hote, they became Murray's own property and were then sued for by him.

7. That when Mercier was sued on his note for $30 he put in an offset account, first for one hundred dollars on account of services rendered to the committee by himself and team. This he took to Murray, who refused it and said that it bore on the face of it marks of fraud. A second time Mercier brought a bill reducing his claim to forty dollars for twenty days services for self and team, certified by Mr. Chiniquy. This, also, Murray returned, making the same statement as before about fraud. The case accordingly came before the court, and on Mr. Chiniquy testifying that Mercier had to his knowledge rendered such services to the committee, the court gave judgment in Mercier's favour and dismissed the case with costs.

8. When Mr. Chiniquy assigned the note, he had just returned from England and was not at the time aware that Mercier had not been paid for his services. He was also under the impression that the money for which the note was given was part of the funds which he had himself sent to Mr. Staples for distribution, and that the note would, as a matter of course, come back to himself. His idea was that the assignment was simply for the purpose of enabling the committee to collect the interest due on the note for educational purposes and which the people were all willing to pay.

9. That Mercier never supposed that the charitable funds out of which he had received a dole, and for which he had given his note, were to be sued for by civil process, or claimed at the option of the payees, and therefore did not at first intend to charge the committee for his services; but when he found himself sued at law he then resolved to claim for said services an amount at least sufficient to cover his note.

These are the transactions out of which the first charge of conniving at and abetting fraud has been constructed, the whole of which amounts to this, viz: That Mr. Chiniquy had given evidence that to his knowledge Mercier had done work for the committee to the amount of, at least, forty dollars: and that he had assigned a note of which he was joint payee, not knowing at the time whether the payer's claim against the payees had either been presented or satisfied, or that said note was to be collected by civil process.

In regard to this charge of Conniving at and Abetting Fraud, it is to be noted that *fraud* itself, without which there could be no connivance, is neither alleged in the specification nor is it proved or attempted to be proved in the evidence. On the contrary, the civil court—the only proper tribunal at which to try such a case—repels the insinuation of fraud against Mercier and adjudges his offset to be fair and legal. Yet the Presbytery, in effect reversing the finding of the civil court, *take it for granted* that Mercier's claim is fraudulent, and straightway constructs a charge of "Conniving and Abetting" against Chiniquy. I repeat that it is not attempted to be proved that Mercier's claim is fraudulent. He is neither charged with such a crime nor tried on such a charge. The only statement in the evidence at all bearing on the subject is the simple dictum of Murray the prosecuting attorney, that in his opinion the offset of Mercier bore on the face of it marks of fraud, but that is not proof, it is even a statement which as a witness he ought not to have been allowed to make. If, therefore, there was no fraud, and manifestly there was none, how could there be Connivance at and abetting?

Although no man ought in justice to be required to prove a negative—if charges libelled against him are not proved he is entitled to immediate acquittal—yet is both Chiniquy and Mercier prepared in the most ample manner to prove that Mercier's offset is not only just but that it is less by far than he was entitled to claim for his services. On this point, however, the Presbytery do not appear to have made any enquiry, but accepted without discrimination the beliefs and unfounded averments of interested parties.

In point of fact the charge reduces itself to one of perjury against Mr. Chiniquy. It is directed against his evidence on oath before a civil court on Mercier's note. If the specification be true, then Chiniquy must be a perjured person; and if he be not guilty of deliberate perjury then the specification and charge fall to the ground. It is scarcely conceivable that a Presbytery would, on grounds so insufficient as their own evidence shows, bring so solemn an accusation against a minister of Christ. They might have remembered that

the Scriptures say, "Against an elder receive not an accusation but before two or three witnesses;" and that "an oath for confirmation is, to them, an end of all strife." Yet is there here an accusation without the least evidence of the crime charged, and an attempt, by implication, to impugn statements confirmed by the solemn sanctions of an oath.

I shall consider the further charges in my next.

ALEX. F. KEMP.

LETTER NO. 4.

The second charge brought against Mr. Chiniquy by the Presbytery of Chicago is that of Misrepresentation—under two sub-specifications. 1. In publishing a communication to the public of date July 26, 1861, and again another of date August 1, 1861, both adapted to leave the impression on the minds of readers that there was and is a college, in the proper sense of that term, in operation in St. Ann's, Illinois, and that there were in attendance at said college, at and about that time, thirty-six talented, pious, and eloquent young men studying for the ministry; and giving forth the intimation that about so many would be ready in three or four years to go to Canada and preach the gospel, and that he had been and was then chiefly supporting these young men. 2. In representing in one of said letters, published in the Montreal *Witness*, that two of the best of the young men, his students, after having been under his tuition for three months were called, and went to Louisiana as colporteurs, whereas the persons referred to were heads of families, in middle life, and were never connected with the school of the accused.

As regards the first of these specifications, it is to be noted that Mr. Chiniquy is charged, not with the use of certain words which are false, but with publishing certain "communications to the public," adapted to leave certain impressions on their minds. Now, it may be a question whether any one can or ought to be libelled for "impressions" which his words, whether spoken or uttered, may make on hearers or readers. Different persons will have different impressions of the same words, and must the speaker or writer be responsible for both the one and the another. These impressions are all, too, about the meaning of the word College—a word which everybody on the continent knows to be capable of as great a variety of meanings as that of the epithet Professor.

In the State of Illinois itself, there will, we are sure, be found colleges of all sizes and degrees, from the schools for little boys and girls up to those of doctors, lawyers, and pastors. In Lower Canada it is a well known fact that the French people call almost every parish school a college—it is the universal designation of their upper schools—such a term as High School is quite unknown to them. When French Canadians speak about a College, those who are acquainted with the language and habits of this people, understand by the word an institution for teaching youth the higher branches of education, and, it may be, preparing them for any of the learned professions. It is perfectly evident to any one reading Chiniquy's letter, with a knowledge of French modes of speech, that he uses the word College in accordance with the usage of his countrymen, and that too with perfect simplicity and sincerity.

Another thing to be noted regarding this specification is that it does not specify the words used which are supposed to make the impressions. In point of fact it is not a specification at all. It refers to certain letters published somewhere, but where it does not condescend to say—a strange oversight—only when we come to the evidence do we ascertain that the communications of July and August, 1861, are contained in the Montreal *Witness* and in the *British Ensign*, in the latter of which the communication is said to be copied from the London *Record*. These papers are besides put into evidence without the least authentication—a proceeding unheard of in any judicial process known to me either in the kingdom of Christ or of the world.

The Presbytery may say, we can't authenticate. If so neither can they prosecute. To prosecute without evidence is a manifest injustice; it is to violate one of the most humane and reasonable safeguards which the law of the Church, as well as of the State, interposes against tyranny and oppression.

The parole evidence on this specification comprises the testimony of two persons. One P. Boudreault, a young man who was at one time connected with Mr. Chiniquy's Church and School, but who left with Mr. Monod, took an active part in the formation of the second Presbyterian Church in St. Ann, and has ever since been one of the most zealous opponents of his former pastor. The other is the Rev. Mr. L'Hote, who was prosecuted for defamation of character, and who, to escape payment of the fine which a jury had imposed upon him, had fled the State of Illinois, and his evidence had to be taken by commission in the neighboring State of Indiana. A question might here be asked, viz., Ought a fugitive from justice to be accepted as a witness? and ought a defendant to be dragged from one State to another to cross-examine such a witness. Such an act is, I believe, unexampled in ecclesiastical process. It was ascertained that members of the Presbytery first advised and aided Mr. L'Hote to escape from the hands of justice, and afterwards sent a commission to the borders of another State to take his evidence against Mr. Chiniquy. Such action may be defensible, but it is very singular, and does not comport very well with the extreme stringency with which the same members of Presbytery construct charges of delinquency against Mr. Chiniquy.

The sum of P. Boudreault's evidence is that there were schools at St. Ann's in which young persons, from 10 to 21 years of age, were taught the various branches of a common and classical education. The number of boys attending these schools he cannot state precisely, for he says "I never paid attention to it," but he thinks that in the one there was perhaps sixteen or eighteen, and in the other from twenty to twenty-five, and it might be sometimes more, but of the ages, numbers, and character of the youth, all he ventures on is, that such and such is his belief. When asked, Did these boys all profess to be pious religious boys, or did some of them make no profession of religion? He replies to this leading question, "All I can say is that by their conduct I believe they were not very pious." Although, further, he says that one of these schools was under the care of the Presbytery and not of Mr. Chiniquy, he yet, when afterwards asked if Mr. Chiniquy had anything to do with this school answered, "Yes, Sir, he went sometimes and paid the boys to help them in their studies for some time," and that Mr. Chiniquy, with the consent of the teacher, took off part of said school and put it under the care of another teacher. He further believes that as many as six or seven said they were going to preach the gospel, and perhaps others did say it, but I believe that these others did not know very well what they were saying. He says that he never understood that there were thirty-six young men, or somewhere in the neigh-

bourhood of thirty-six young men, studying for the ministry around Mr. Chiniquy or to be seen on the streets of St. Ann.

This is, I think, a fair and truthful statement of this young man's evidence.

Along side of it I now place the sum of the testimony of the two Paradis, young men who, in the judgment of all parties, bear irreproachable characters, and who are among the three or four youths whom the Presbytery themselves consider students for the ministry. This testimony I took down in writing, and they signed it in my presence. It is as follows:

"St. Ann, October 19, 1862.

"John B. Paradis solemnly averred, viz., I am 19 years of age, and first went to school about three years ago, when Mr. Gauthier was teaching under Mr. Chiniquy. I lived then in the school house with Mr. Gauthier. Mr. Chiniquy supported us. I do not know where the means came from with which our board was paid, but Mr. Chiniquy paid it. Mr. L'Hote was the next teacher; I think he was hired by representation of the Presbytery, so far as I understand; he came about the last of November, 1860, and continued till August, 1861. I continued to attend school under him. Mr. Chiniquy used often to come and give instructions to Mr. L'Hote regarding the conducting of the school. He gave Mr. L'Hote a "reglement de vie," or rule of conduct, which we were to follow—it was written—each scholar had a copy which he copied from the original, for himself, some, however, could not write but others wrote it for them. This Rule of Conduct was repeated more or less on a Sunday, and I am almost certain that Mr. Chiniquy presented Mr. L'Hote with a copy before the whole school, and told him not to give a certificate to the young men unless that was fulfilled. Mr. L'Hote certified to Mr. Chiniquy when the rule of conduct was fulfilled by the scholars, every month. This certificate was taken to Mr. Chiniquy and he gave me eight dollars per month, taking a receipt for the same. All the pupils who conformed to the Rule received such a certificate. In some instances Mr. L'Hote reported improprieties in regard to some of the pupils; this occurred so far as I recollect but seldom, and only to two or three pupils. When Mr. Gauthier had the school the number of pupils ranged from twelve to twenty and their ages from fourteen to twenty. Only two or three were fourteen, the others were older. So far as I recollect there were no little boys under Mr. Gauthier. When Mr. L'Hote was teacher there were two teachers. Mr. Mauny taught the younger pupils. There were now about 40 or 45 pupils under both teachers. Before Mr. Mauny came Mr. L'Hote had from 40 to 42 scholars, after Mr. M. left the number was about 24 or 25. I think it was the understanding that whoever came to the school professed to be studying for the ministry; although there were about 30 who publicly professed in the church to study for the ministry. This public profession was made before Mr L'Hote came and when Mr. Gauthier was teacher—it was the beginning of the College. There were about 36 or 37 who afterwards signed the Rule of Conduct, and by so doing professed that they were studying for the ministry. There were two young men who asked permission to attend, one of whom had changed his mind as to the ministry and the other did not profess, and to whom on this account Mr. Chiniquy gave no support. I remember Mr. L'Hote stating to Mr. Chiniquy, concerning one boy that he was not conducting himself well, and to take a dollar from him. The other pupils received eight dollars per month from Mr. Chiniquy. Afterwards some ladies in New York assisted me, and then I did not receive it. My cousin Joseph received eight dollars for about nine months, and a brother received the same for about seven months. Others received money in the same way." Joseph Paradis concurred in this testimony.

Let us now turn to Mr. L'Hote's evidence. The first question he was asked is as follows: "Was there in St. Ann, in the summer of 1861, an institution which could with any propriety be called a college, or such as any class, Protestant or Roman Catholic, of educated people in the United States, Canada, Great Britain, or France would consider entitled to that appellation." To this sweeping leading question the answer was "No; when I came there in the fall of 1860 there was no school at all. Gauthier had had a school. There was no school that could be called a college." He submitted a catalogue containing the names, attainments, his estimate of their character and standing, of all the pupils enrolled during the whole summer. (This catalogue is not embodied in the copy of the evidence obtained. The Clerk of the Presbytery, however, notes that it contained a total of 25 for one school and 16 for another.) Only three of the number gave him to understand that they were studying for the ministry. About four more, he thought, were professed. Several told him they had no desire to study for the ministry, and two or three sneered at the idea of preaching.

This witness, who says there was no college of any conceivable kind in St. Ann, afterwards being asked, "What was the form of certificate you gave the scholars?" answered, "It was to this effect, 'I hereby certify that A. B. has fulfilled the rules of St. Sauveur's College.' They brought me the forms and I signed them, though I did not know the rules."

He afterward says that he did not think Mr. Chiniquy spent over from $50 to $100 for the pupils; and when asked if he gave orders on his brother's store to scholars for goods, he said, he did not know. But further on, he says, "Three, who," he (Chiniquy) said "called him a liar," were from the first refused any support. "The others had to buy at his brother's store what they did not want, to realize the bill of $6 he gave them. When I signed," says he also, "his little bills I had no other purpose than to certify that they attended school, I would have signed very few if I had consulted their conduct and studies. I felt obliged to sign them, because they were poor and had to pay their board. Chniquy," again says he, "had given some rules for his College of St. Sauveur, but I never read them. . . . When I signed these checks I had no other purpose than to assert that they attended the school; for it was to the Presbytery alone I had to give an account of their morality and dispositions. . . . Many said in the school positively that they never would be ministers; and some called 'saints,' by way of derision, those who had made a profession of their faith."

These 'little bills,' to which reference is made by the witness, are some 200 or more certificates, that the students had conducted themselves with propriety, and conformed to the *reglement de vie* of St. Sauveur's College. A large number of which the deputation saw and read, and on the back of them receipts for monthly sums of money; all of which are brought to Mr. Chiniquy, by the pupils, from Mr. L'Hote.

The contradictions of this witness were so numerous and manifest, and the acknowledgement of deception practised upon Chiniquy by the signature of these

monthly bills so distinct as to need no comment. If any such like evidence could have been brought against Chiniquy, a good case might have been made out against him. It is singular that the Presbytery, so keen-eyed as regards Chiniquy, have been so obtuse about L'Hote. The one they have deposed; the other they have *sent away* with the highest eulogiums.

There is yet another class of statements under this specification, to which I must advert. It would appear that, some time after the difficulties had arisen between Mr. Chiniquy and the Presbytery, in October, 1860, a committee went to St. Ann's to enquire about the College; and apparently upon their report, at a meeting held in Chicago, 1½ years after, in April, 1862, the Presbytery passed and published a resolution on the subject, against which Mr. Chiniquy complained to the Synod: It is to the following effect:—That whereas communications had been sent to the Christian world that there exists in St. Ann's, a College with 36 "talented, eloquent, and pious young men," and that funds are urgently needed for their support. Resolved, therefore, that the Clerk be directed to write to the *London Record*, *British Ensign*, *Montreal Witness*, and *Philadelphia Presbyterian*, stating, on the authority of the Presbytery, that no such institution, as these communications would lead the English and American readers to suppose, exists in St. Ann, or ever did. it being at most but a primary English and Grammar School; that there are no 36 young men of the character described, pursuing their studies for the ministry; but that the Committee on Education, who went there in October, 1860, after a careful examination, found *only* five or six, who ought to be encouraged to study for the ministry, and, at the present time, there are but three or four such youths. Notwithstanding affidavits to the contrary, the Presbytery are satisfied of the truth of what they have stated.

Mr. Staples also wrote to the late Principal Cunningham, of Edinburgh, in Nov., 1860, that the statement about the thirty or thirty-six young men "was wholly untrue."

On this same point, the Presbytery itself and the Synod, in their decisions on the first set of charges in which this statement was tried, state "That there was some appearance of exaggeration and contradiction in the statistics, so that the Court, while finding it difficult to form a judgment, still can find no evidence of criminal falsehood;" and, again, "Mr. Chiniquy, in calling out the youth and children of the congregation publicly to declare that they would devote themselves to the ministry, was injudicious but not criminal, and his conduct in the matter arose from his ardent zeal in the cause of his Master."

Let us hear now what Mr. Chiniquy, *per contra*, says on the question. In March, 1862, he publicly writes, "Two years ago, about 36 of our most intelligent young men, all belonging to our most respectable families offered themselves *publicly* to study for the holy ministry if I would support them during the time of their studies. This fact was and is as true as the existence of Kankakee itself. . . . The second thing I said was, that those young men were good and pious—a thing which I thought in my heart and soul to be true. The third thing that I said was that they had a natural and truly remarkable oratorical talent—a fact which is also true, and cannot be denied by those who have heard them lecturing in our chapel."

Let us also hear what the congregation at St. Ann say on this point. At a mass meeting, held on May, 1862, they passed the following resolutions:—First. Having heard the reading of the communications published in the *London Record* and the *British Ensign*, against which the Presbytery of Chicago intended to protest in its minutes of 23rd April last, we do certify that these documents contain the exact truth, and that the Presbytery, in contradicting these, committed an act of unfairness and injustice. Second. That the existence of a College in St. Ann, where thirty-six young men were studying with the intention of preaching the Gospel, is a fact as public as the existence of our colony. Third. That since two years, nothing is more edifying than the piety and remarkable talents with which the pupils of our College deliver addresses in our Chapel every Sabbath. Fourth. That the Presbytery have been requested to make a fair and public inquest about the existence or non-existence of our College, but they have always refused to do it. Fifth. That the minutes of the last Presbytery are saying a thing directly contrary to the truth when they affirm that, in October, 1860, a committee made a careful examination of the young men and boys of the College. It is a public fact here, a fact acknowledged by the members of the committee under oath, May, 1861, that the majority of the young men refused to present themselves before these Revcrend gentlemen. Ninth. The College is considered by us as a most precious institution to strengthen the religious movement so providentially begun among us. Tenth. That the publication of the minutes of the Chicago Presbytery, (of date 23d April,) is an act of revolting injustice, by seemingly giving to understand that thirty or thirty-six of our citizens (who made affidavit on oath,) have made a false oath when they solemnly swore that their children had studied in our College so long as Father Chiniquy could support them. Eleventh. That we have from the very lips of the Rev. Mr. Kollar, Professor of Greek and Latin, in our College, that some of the pupils are translating with facility into French and English, Cæsar and Cicero; that they are making good progress in Greek; that Father Chiniquy is giving them lessons in ecclesiastical history and controversy, pulpit eloquence and Holy Scriptures. What can we think of men who publish that an institution where such things are taught cannot be called by any other name than a "Primary English School."

Let us next hear what the young men themselves say. In a letter published 22d May, 1862, in reply to the Presbytery's minutes of April, they say: "We, the pupils of the College of the Saviour, feel that we have an imperative duty to perform. The whole British people, who had received with such Christian feeling and sympathy, the announcement of our intention to preach the Gospel, if we could receive the support we were wanting, have a right to hear us on this grave question. In the spring of the year 1860, Mr. Chiniquy having expressed the desire to found a college, between twenty-five and thirty young men offered themselves at once to prepare to preach the Gospel, and not long after their number increased to thirty-six. We then began to study, Father Chiniquy himself giving us lessons almost every day, when at home, in theology, controversy, and Holy Scriptures. A great part of us then were taking our meals in the house of Mr. Chiniquy. We were then hearing from everywhere our institution called a College; we were ourselves thinking, as we do still think, that it was a College; for our intentions were then sincerely, as they are now for many, to study to become preachers of the Gospel.

During the absence of Father Chiniquy in Europe, the Rev. Mr. L'Hote was engaged to teach us; two classes were formed; one of the more advanced added

Latin to their other studies · the other was studying only the different branches of English and French, preparatory to the Latin. In the month of October, some ministers, in the absence of Father Chiniquy, and without his permission, came to make some inquest about us. But only sixteen of the pupils presented themselves to them, and most of the time the number has been over 36. The Rev. gentlemen did not speak to us in that instance more than five or six minutes. We are sure that the expression, "After a careful examination of the boys and young men, only five or six were found worthy to be encouraged to study," is incorrect and untrue. We affirm, before the world, that 36 young men of this colony were studying and preparing themselves for the holy ministry.

We will say nothing of the qualifications of piety and eloquence with which Father Chiniquy, in his kindness is speaking of us. The Rev. gentlemen, we see, have formed a different opinion of our character and capacity. But these gentlemen are living at a very great distance from us; they have never seen or spoken to us more than five minutes all their lives, while Father Chiniquy knows us, has lived with us these last eight or ten years, with the intimacy of a father with his children. The minutes say that, "Now there are not 36 young men, but only three studying for the holy ministry." But Mr. Chiniquy has published the same fact in his letter of March 22, of this year. When we were 36 students in the College, Father Chiniquy published it, and he was correct. When, by the loss of his funds and the persecution of his enemies, his College was reduced to the number of *three*, Father Chiniquy hastened to publish it, and he was correct again. Our fathers and mothers have testified on their oaths the facts published by Father Chiniquy: 1st, That we were studying for the ministry; 2nd, That Mr. Chiniquy supported us till he lost his funds; 3rd, That we are desirous of resuming our studies, if we had the means.

The letter which I have considerably abridged, stating, however, the facts, for the most part, in the language of the original, was passed at a meeting of the students, and signed by 29—several being absent from St. Ann. Four of these, however, afterwards withdrew their names, on account of certain expressions which it contains, complimentary to Mr. Chiniquy, and derogatory to the Presbytery; and denied that they ever considered themselves pupils of an institution denominated the "College of the Saviour;" but only of a High School, established by the Presbytery of Chicago under the superintendence of Mr. L'Hote. They also deny that there were 36 young men studying and preparing themselves for the holy ministry, though they do not deny that there were 36 or more pupils engaged in study, with various objects in view, in our school.

There was put into the hands of the deputation a list of 37 young persons, with their ages ranging from 14 to 21, and certified by Mr. Chiniquy as having offered themselves, in the year 1860, to study for the ministry, and while studying had been more or less supported by Mr. Chiniquy, as long as his money lasted.

To sum up the whole matter, I would say, 1st, That it is inconceivable that the mass meeting, the parents of the young men who gave affidavits on oath, or the 24 pupils who subscribed the letter, were all liars and deceivers. 2nd, That it is also inconceivable that the Presbytery could be guilty of stating what they did not believe to be true. 3rd, That Mr. Chiniquy did establish what he, as a Canadian, from his youth has been accustomed to regard as, and to designate in his own tongue, a College. 4th, That from 30 to 40 young men did at one time or another profess to be students for the ministry, and were more or less supported to a large aggregate amount by Mr. Chiniquy. 5th, That in the sincere judgment of Mr. Chiniquy these young men were, as a whole, pious, talented, and eloquent, and that from month to month their character for piety, and propriety of conduct, was certified to him by their teacher or professor. 6th, That after the trouble commenced, and feelings became strong and high, and when schism had begun, a small committee of the Presbytery, through an interpreter, made a brief examination of a portion of the pupils, and in their judgment, found among them not more than 4 or 5 whom they could recommend as suitable for the ministry. 7th, That the Presbytery do not seem to be aware of the French Canadian idea of a College—that it is all but universally used by them to designate superior schools, in which young men are prepared for the learned professions, or obtain a classical education. The French report of schools in Lower Canada has no name for our English High School, and such schools are all classed under the caption of "*Colleges Classiques.*" 8th. That the Presbytery mean one thing by a college, and Chiniquy another; *their* model is probably Princeton; *his* the somewhat less pretentious Lower Canada College. They cannot understand why he should persist in calling his institution a College; he, why they should brand him throughout Europe and America as a deceiver because he does. They have judged Chiniquy harshly and inconsiderately, and he with pardonable indignation, has retorted measure for measure.

That there was a College in St. Ann of a very promising kind, in which from 30 to 40 young men were professedly studying for the ministry; that there are young men there who whould become able and pious ministers, were opportunities afforded them; that there might and ought to be a College in St. Ann, such as Chiniquy contemplated, and such as he asked aid to establish, are things very obvious to me.

ALEX. F. KEMP.

Montreal, April 10, 1863.

LETTER NO. 5.

The second sub-specification under the charge of "Misrepresentation," is as follows:—"In representing in one of said letters published in the Montreal *Witness*, that two of the young men, his students, after having been under his tuition for three months were called, and went, to Louisiana as colporteurs, whereas the parties referred to were heads of families, in middle life, and were never connected with the school of the accused, and never spent three months under his tuition."

There is really no proper specification here at all. The specific representation to which reference is made is not given. For the specific act complained of we must look to the evidence. There we find that the prosecutor, as we have before noted, puts into evidence extracts from the Montreal *Witness*

of 22nd August, 1861, without any attempt at authentication, and they are received by the Presbytery as if such a thing were quite unnecessary. A charge founded on such testimony can never in justice be sustained. But, passing from this, we find that the extract put in runs thus :—"Last year, as soon as it was known in the State of Louisiana that my intention was to train 30 or 40 talented young men for the ministry, they sent a deputation from New Orleans to ask me to procure them at least two of my young men. They said that at least 20 would find a constant field of labour among the thousands of French Creoles, who having lost almost all confidence in their priests, are becoming infidels, on account of the want of any to preach to them the Gospel in their own language. They were so much in the want of such men in Louisiana that they have engaged, and immediately brought with them the two who had made the most progress in the study of the Holy Scriptures and in controversy, though I was teaching them only three months."

The Presbytery *interprets* this statement to mean that "two of the best of the young men, his (Chiniquy's) students, after having been under his tuition for three months were sent to Louisiana." It is, however, obvious that the quotation states no such thing, and that only on account of a slight accidental ambiguity can such an inference be drawn from it at all. The quotation states that the people in Louisiana were so much in want of "such men,"—that is, men "to preach the gospel in their own language." These were the kind of men they are here said to be in want of, and not "students" or "young men" as the Presbytery infers. They, therefore, engaged "the two" (these are the ambiguous words.) What two? Manifestly the two "such men" who could "preach the Gospel, etc.," and not, as the Presbytery interprets, "students" or "young men." The two "such men" might or might not have been "students" or "young men," for anything the quotation contains. We may infer, if we choose, that they were or were not; but we have no right to accuse the writer with saying that they either were or were not. If we want the doubt removed, and to know what he means, we must go and ask him.

When asked about the quotation, Chiniquy's reply is in substance, that it never entered into his mind to publish such a falsehood to the world as the Presbytery make out his words to mean. It was a matter so well known to every one in St. Ann's, and so easy of proof, that the two men sent to Louisiana were not students of the college, that it would have been extremely foolish, as well as wicked, in him to have said that they had ever been. On looking at the quotation he could not himself at first account for the apparent ambiguity of the words, but on turning to the original MS., from which he wrote the copy for the printer, he found that after the words "the two," the word "converts" was inserted; and further on in the sentence the words, "of this colony," so that the complete sentence would run, "the two converts....of this colony." A very different thing certainly from "the two students of his college." How this omission had happened in the printed letter Mr. Chiniquy could not say. It might have arisen from careless transcription, or in the process of printing; but as the copy sent to the printer cannot now be obtained it is impossible to settle the question. It may be said, "O, Chiniquy can easily make MS. and put these words in." Yes; prejudice or enmity may speak in such terms, but neither justice nor charity will. We examined the original MS. and it bore many undesigned marks of being an old MS. It contained a number of small and unimportant differences from the printed copy, just such as might arise in the processes of transcription and printing. The quotation read with these additions is free from all ambiguity, and contains nothing but the truth. The two men sent to Louisiana were "converts of the colony," etc, had obtained much of, if not all, the scriptural and controversial knowledge they possessed from the preaching, teaching and conversation of Mr. Chiniquy. Although in the exercise of their Christian liberty they had united with the Episcopal Church, they yet had been part of Mr. Chiniquy's flock, whom he had brought out of Rome with him, and who had been at least three months under his Protestant ministry. With these explanations how can the charge of misrepresentation under this sub-specification be sustained?

The third general charge against the accused is as follows: "Reporting to some person or persons at Kankakee, with distortions, remarks made by the Rev. J. B. L'Hote before the Presbytery at Willow Creek, Sept. 22nd, 1861, and made in reply to the demand of the Presbytery on him for information, thereby instigating a certain Mr. Deblois to institute and prosecute a civil suit for libel against the Rev. J. B. L'Hote."

This, I submit, is no specification at all. It does not specify what Mr. L'Hote's statements were before the said Presbytery, or what the leged "distortions" reported by Chiniquy are. There is nothing here that an accused person can take hold of or can plead to. He would have to know the specific "distortions" which he is said to have reported before he could answer either yea or nay, guilty or not guilty. One cannot help feeling astonishment that an accusation in such a form should have been entertained for a moment by the Presbytery—it violates the ordinary principles of judicial process and is unjust and vexatious to the accused. Ones astonishment is not abated on turning to the evidence adduced for this charge. The nature of this evidence is explained by the following note admitted into the evidence itself, and offered by the committee of prosecution, viz.: "The first testimony consists of extracts from the 'Declaration' on which the Rev. Mr. L'Hote was sued before the Circuit Court by a Mr. Deblois, and the committee of prosecution stated that he desired these extracts read and recorded beside the testimony given by Mr. Chiniquy in that case, that the Presbytery might see that his testimony covered the expressions of said 'Declaration' while those of no other witness did so, thus making it apparent that Mr. Chiniquy, the accused, was the *informer* in the case, and the instigator of the suit in question."

The logic of this extraordinary statement is simply this, viz.: Because the "Declaration" and Chiniquy's evidence agree together, therefore Chiniquy was the informer and instigator of the suit in question. It is on such a ground as this that the accusation contained in this assumed specification

is attempted to be sustained. Were such inferences permitted in judicial proceedings who would be safe? But, in the first place, it may be asked:—Where is the offence in reporting what was said in open Presbytery by one man about another? And in the second, what crime is there in instigating a civil suit for defamation even if it could be shown that Chiniquy had done so? It seems to be here taken for granted by the Presbytery that these things were offences in themselves, and that a minister on becoming a member of Presbytery denudes himself of those liberties of speech and action which belong to him as a citizen. This *seems* to be the meaning of the evidence offered by the prosecution. If to this it be replied that the offence is not simply in reporting and instigating but in reporting with "distortions" and instigating by these, we can understand such a charge; but then it is clear that in order to sustain it, the words spoken by L'Hote must be stated and proved, and the "distortions" likewise. In however looking at the proof on these points we do not find L'Hote's words stated or proved definitely or precisely. Two witnesses were called on this point, and one says, in substance, "I do not recollect very distinctly what L'Hote said about Deblois. I have no recollection of his saying anything of the kind as that Deblois was a thief. He spoke something of his character which did not make a favourable impression on my mind. As nearly as I can recollect he said that Deblois had been in jail for stealing. Beyond that I have no distinct recollection. The whole impression left on my mind was that he had been put in jail on a charge of stealing. I am confident that he could not have said that Deblois was a thief four times, in an angry, excited manner, without my recollecting it." Another witness says that when L'Hote came to the name of Deblois "he seemed embarassed in determining who he was. At length after scrutiny he said with a smile, to this effect, 'I believe this is the man of whom it is reported that he was in prison for stealing geese or turkeys.' I may say, with a great deal of confidence, that it is scarcely possible that he could have called Deblois a thief four times, in an angry, excited manner, without my knowing it."

It is rather surprising that, although the evidence of L'Hote was taken on oath on other points, yet that on this one he was not asked a single question. The want of a little judicious cross-examination is very manifest here. On this point L'Hote would have been a prime witness, yet is he permitted to pass through the Presbytery's hands without an attempt to ascertain from his own lips what he did say. What he is supposed to have said rests thus only on the imperfect recollection of one witness, and the statement by another that his words were "to this effect," etc. The *ipsissima verba* are not given, the recollection of each witness differs from the other, nearly as much as Chiniquy's differs from either. What then does Chiniquy say? In the notes of the evidence which he gave before the circuit court, (to the accuracy of which, however, Mr. Chiniquy does not consent) he is represented as saying, "Mr. L'Hote, speaking of Deblois, said before the meeting that Deblois was a thief, that the has been in jail for having stolen turkeys." Anything said about drinking? I cannot swear upon this matter. The manner? Malice? I cannot swear upon that, the malice is inside. He spoke as a Frenchman is used to speak, pretty warmly." After an interval, examination resumed. "Memory refreshed? New particulars? To these questions he answers: "About Deblois being a drunkard did not remember this morning. At the hotel, looked over his books—remembered—has a habit of writing things—I do remember clearly that it was said that Mr. Deblois was a drunkard.." How many different times did Mr. L'Hote state that Deblois had stolen? "My best memory gives me four times."

In regard to this last statement an attempt is made in Presbytery to make it appear as if Chiniquy said that L'Hote called Deblois "four times a thief." This, if anything, is a clear distortion of Chiniquy's words. What he says and means is evidently that, to the best of his recollection, L'Hote spoke four times about Deblois stealing, or "that Deblois had stolen."

What, then, does all this amount to? Simply to this, that three witnesses differ among themselves as to words spoken in public by a fourth party, that two of the three, although differing from each other and unable to state the *ipsissima verba*, yet allege that because the third differs from them, he distorts the statement, when, in point of fact the three assert substantially the same thing.

In favour of Chiniquy's testimony three things may be stated: 1. That he, a Frenchman himself, was more likely to note and remember what a fellow Frenchman said. 2. That he took notes at the time of the words spoken—the others did not. 3. That his evidence is positive, he did hear; the others are negative, they did not hear, or do not recollect of hearing.

Besides these things, it appears from other testimony that the meeting of Presbytery at which the words were spoken was a "stormy one," discussion was protracted till a late hour, and it broke up in confusion.

To found a criminal charge against Mr. Chiniquy on such grounds as the above, and under such circumstances, may well be regarded by him as somewhat vexatious. The alleged "distortions" are positive averments on oath entitled to as much credit as the evidence of any other party—the reporting amounts to his speaking publicly and openly about words spoken of a defamatory character in public Presbytery, and as to the instigation of the suit, even if that was wrong, there is not a tittle of evidence to support it.

Yours very truly,

ALEX. F. KEMP.

Montreal, April 26, 1863.

LETTER NO. 6.

The fourth specification is as follows:—"False Witness Bearing—in representing, when on the stand before the Circuit Court of Kankakee County, Ill., on or about the 15th of January, 1862, that the said Rev. J. B. L'Hote had, without occasion to speak on the subject, and with evident malice, before from one hundred

to two hundred persons, nearer two hundred than one hundred, besides the members of Presbytery, during the meeting of this Presbytery at Willow Creek, September 26th or 27th, or thereabouts, said four times that Mr. Deblois was a thief and had stolen turkeys, ducks, and dindons, or turkeys, ducks or dindons; also that said Deblois was a drunkard."

There is a remarkable defect in this specification and charge, viz: It is not alleged therein that Chiniquy gave this testimony or made this representation knowing it to be false. Unless this be alleged where is the offence? May not Chiniquy just as well say to the other witnesses that their testimony is untrue, as they say so of his? Any one who has ever attended courts of law must know that nothing is so common as that persons equally spectators and hearers of the same events or words should make contradictory statements of what they had seen or heard, and that too with equal sincerity. Unless the accusers were prepared to say and to prove by substantial evidence that Chiniquy gave the testimony alleged, *knowing it to be false*, it appears to me that such a charge should not have been received by the Presbytery.

Besides this (the accusers themselves being witnesses) there is in this charge and specification, distortions and misrepresentations of Chiniquy's evidence, which the prosecutors had in their possession, that indicates a culpable want of care on their part, viz., 1. The *charge* represents Chiniquy as saying, "that the Rev. J. B. L'Hote had, without occasion to speak on the the subject," etc., whereas the notes of Chiniquy's evidence state the very contrary, viz: "Was Mr. L'Hote called on to give information about the parties? It may be that he was permitted to do so. I suppose it was done. Don't remember whether it was. Do you remember for what reason Mr. L'Hote spoke at all? I am trying to recollect; when M. L'Hote spoke it was to determine, in my mind, whether the Church had been taken away unjustly or justly."

2. The charge represents Chiniquy as saying that Mr. L'Hote spoke "with evident malice;" whereas the notes of his evidence state otherwise, viz: "Manner, malice? I cannot swear upon that; the malice is inside. He spoke as a Frenchman is used to speak—pretty warmly. I don't like to speak of the things of the inside; I leave that to God. In what manner or spirit; friendly or the opposite? Not friendly. Whether friendly or malicious? All that was connected with it brought to my mind that he is a great enemy, who wanted to destroy me. I don't want to say that I knew what was in the mind of that friend. . . . I don't say that I was right or wrong in that opinion."

On these two points Chiniqny complains that his words are distorted and misrepresented.

A strong point is also attempted to be made regarding the numbers whom Chiniquy alleged to be present at the meeting of the Presbytery, when Mr. L'Hote made the statements libelled. In the notes of evidence, Chiniquy only states that there were "from 20 to 25 ministers, cannot be precise, many people besides the ministers." The evidence of one of the prosecutors states, however that Chiniquy said there were present from 100 to 2[illegible] persons besides the members of Presbytery, nearer 200 than 100, which said witness rebuts and states that on enquiry the numbers given by various parties were 7, 8, 10, 13. Now, what Chiniquy stated on this point was "to the best of his recollection." To make a leading point of such a statement has the appearance of straining to make out a case. There is nothing in the whole range of human observation so indeterminate and uncertain than general estimates of the numbers present at meetings. In this case Chiniquy says that to the best of his judgment there were between 100 and 200. One witness says that on enquiry he found only 13: another supposes that there were twenty others besides the Presbytery, certainly not more. Another member of Presbytery in a letter to Mr. Chiniquy says, "I do not think it improbable that there were from 75 to 100. Still my impression may not be correct, there might have been more, there might have been less." Another in like manner writes,—"I should think that up to eleven o'clock p.m., there were some fifty of Mr. Smith's congregation present. About that time several commenced leaving as the discussion was protracted to a late hour." How is it possible to make anything of a charge of this kind? All that Chiniquy avers, is to the best of his recollection, what fault can possibly be found with that?

Another point is attempted to be made of the presumed allegation in Chiniquy's evidence that "L'Hote said *four times* that Deblois was a thief." What he did say in evidence on this point is as follows, viz., "How many different times did Mr. L'Hote state that Mr. Deblois had stolen? My best memory gives me four times." The lawyer's notes of the same evidence is—"My best memory gives me four times that defendant repeated the charge that plaintiff had stolen these articles. It was said with great warmth that plaintiff was a thief. It was repeated four times. Defendant made great gestures." Now, all that Chiniquy means here to affirm is evidently that L'Hote repeated what was said about Deblois altogether four times. He denied to me that he ever said, or meant by anything he said, that L'Hote used the word "thief" four times, but only that that word, and the other allegations were four times repeated in all, according to the best of his recollection. Improper stress is thus laid by the prosecution on the implication that Chiniquy had stated that L'Hote said four times of Deblois that he was a thief. One witness is asked the very unfair question "Could Mr. L'Hote have called Deblois a thief four times in an angry and excited manner without your recollecting it? Ans. I feel confident that he could not." Chiniquy made no such statement as this leading question implies, repudiates the meaning it attempts to put upon his evidence, and complains that his language should be so distorted.

The substance of this whole charge is to the effect that three gentlemen differ with Chiniquy as to words spoken by Mr. L'Hote in public Presbytery, in the midst of much debate and feeling, regarding the character of an absent person, and on this account they attempt to fix on him the charge of false witness bearing.

That this, the most prominent of the charges in the prosecution may, however, be fully understood I shall set down in order the testimony of the various parties regarding it, viz—

Rev. Mr. Frame's evidence.

Did he (Mr. L'Hote) say anything in regard to the character of Deblois? Yes, Sir, he did; the exact words I do not know, but something unfavourable to his character. Did he call him a thief or a drunkard? Neither so far as I heard; but as nigh as I can recollect that he had in some way been charged with stealing. I mean that Mr. L'Hote gave the impression that it was reported of Deblois. Could Mr. L'Hote have called Deblois a thief four times, in an angry and excited manner without your recollecting it? I feel confident that he could not.

Rev. Mr. Farris' evidence.

Do you recollect what Mr. L'Hote said at Willow

Creek, and before how many? When he came to Deblois'name in the list (of a petition), after appearing to struggle to ascertain who Deblois was, my impression is, he said he did not know the person, but that he believed he was the one who sometime before he (L'Hote) went to Kankakee was reported to have been in prison, being accused of having stolen turkeys or geese. Some one asked, Did he steal them? He replied, I do not know; I was not there. After Mr. L'Hote had gone through the entire list, Mr. Chiniquy rose and protested that Mr. Deblois had not stolen anything, but it was true that he had been in jail on that accusation, but was released after some time because no proof was ever brought. Mr. L'Hote then replied with some warmth, You say as much as I did, that is all I say. Did he utter the words "Deblois is a thief," four times? I have no recollection of hearing these words uttered once, except that Mr. Chiniquy tried to make it out, after Mr. L'Hote was through, that he said as much. Mr. L'Hote firmly denied it.

Rev. Mr. Staples' evidence.

When Mr. L'Hote came to the name of Mr. Deblois did he call him a thief? He did not. I am as positive about that as I am that I am sitting here. And it is impossible for him to have made that statement, or any other to the same effect, in an angry tone without my hearing it. What did he say? When he reached the name of Deblois on the list, he gave a French shrug to his shoulder, and a smile on his face, and he lifted up his hands, saying, Oh, this is the emissary of Chiniquy, who has helped to get signers to this petition. He seemed to hesitate a moment, and remarked, as near as I recollect, I do not know the man personally, but it is rumoured of him that he has been in jail for stealing geese or turkeys. That is my recollection. Mr. L'Hote did not at any time show that he was angry while looking over their names. I am sure he was not angry, for he was smiling and jovial. He was angry afterwards but not at that time. What made him angry afterwards? After we had finished comparing the petition and taken our seats, Mr. Chiniquy rose and in a few remarks seemed to accuse L'Hote as though he had said that Deblois was a thief, though he did not use the word thief to my recollection: but he evidently made the impression on L'Hote's mind that he considered him as having accused Deblois of having stolen. Mr. Chiniquy further said that he knew Deblois had been in jail on that account, for he had visited him in jail; but there was no evidence to prove him guilty of the accusation. He had known Deblois for many years; he was a very honourable man. L'Hote ought not to have accused him of that crime. Whereupon Mr. L'Hote sprang to his feet, and in a very warm tone, remarked that he had not accused him of that, he merely said it was rumoured of him. He had said no more than Chiniquy himself had said about him.

Rev. C. Chiniquy's evidence.

This evidence is taken from the recollections and short hand notes of opponents and prosecutors, its accuracy is not assented to by Mr. Chiniquy, and he objects to the way in which some of his words are put, but such as it is it is here submitted. "Mr. L'Hote, speaking of Deblois, said before the meeting that Mr. Deblois was a thief, that he had been put in jail for having stolen turkeys or geese. Two gentlemen asked him what he had stolen? He has stolen dindons, turkeys, and it may be proven. After Mr. L'Hote had spoken, I said to the Moderator, I know Mr. Deblois very well, and that he is not a thief. What did Mr L'Hote answer? I have been told that he was a thief —that he had been put in jail for having stolen dindons. Anything about drinking? I cannot swear upon that matter. After recess. Memory refreshed? New particulars? About Deblois being a drunkard—did not remember this morning. At the hotel looked over his book— remembered—has a habit of writing things. I do remember clearly that it was said that Mr. Deblois was a drunkard. How many different times did Mr. L'Hote state that Deblois had stolen? My best memory gives me four times. With great warmth—repeated four times—a great motion of his hands —a terrible noise with the mouth—had eyes like candles. I never saw him so excited as on that day. Attorney Lake— The first time Mr. L'Hote said it on his own authority, and when you remonstrated, he said he had heard it said? Yes, Sir, that is all.

The story about the turkey is that Deblois' landlord had stolen a turkey and hid it under Deblois' bed. On its being found there he was, with the turkey, taken to prison, but his innocence being made clear he was soon released. This occurred two years prior to the time the statement was made in the Presbytery.

On this evidence the instructions of the court to the jury were—

1. If the jury find that the defendant uttered the words charged against him, but uttered them without malice, then the defendant is entitled to a verdict of acquittal.

2. The plaintiff must prove the utterance of the words charged in the declaration; and if the jury find the defendant uttered and used the words goose or geese, instead of and in place of the word ducks, laid in the declaration, and uttered and used the word turkeys, instead of and in the place of the word dindons, laid in the declaration, then the plaintiff has failed to prove the utterance of the words charged in the declaration, that the plaintiff had been put in jail for stealing ducks and dindons, and the law is for the defendant.

3. If the jury find that the defendant, in speaking of the plaintiff, said that the plaintiff had been reported to have been put in jail in Kankakee for stealing geese, instead of as charged in the declaration that the plaintiff had been in jail for stealing ducks and dindons or turkeys, then the plaintiff with being a drunkard or thief, then the plaintiff has wholly failed to make out his case.

The jury unanimously, it would appear, gave a verdict against L'Hote, the defendant, and awarded $250 dollars damages to Deblois the plaintiff The Presbytery's witnesses and the defendant's counsel express in their evidence some astonishment at this. It seemed to them surprising that Chiniquy's evidence should have had more weight with the jury than that of the other witnesses. In trying to account for this we can only suppose that the jury took Chiniquy for an honourable man, and supposed that his direct and positive evidence, supported by written notes taken by him at the time, was of more value than the negative testimony, and mere recollections of the other witnesses. They might, too, have supposed that a Frenchman would be more ready to pick up the imperfect English of another Frenchman than would those who knew nothing of the French tongue. These reasons might have weighed with the jury. More especially would they avail when we consider a circumstance not given in evidence but made no secret of in private, viz., that the prosecution took place just at the beginning of the civil war, when the military ardour of the people was at its height, and that Deblois, the plaintiff, came into court in the uniform of a volunteer, and was spoken of in the highest terms by the counsel for the de-

fendant as a brave and patriotic soldier. Now, without supposing American jurymen to be either better or worse than the jurymen of other countries, can it be wondered at that, taking the evidence and the military circumstance together, they should in this instance have given a verdict for the soldier?

For my own part, I should say that, on a fair consideration of the evidence, and apart from the fact that Deblois was a soldier, the verdict should have been given for the defendant L'Hote. The testimony of the three members of Presbytery would, in my mind, have been of more weight than that of Chiniquy. But would I therefore say that Chiniquy had borne false witness? By no means. He gives his testimony with manifest integrity; he states, as a truthful man, that which he thinks is correct, and which he cannot, after much reflection, even now think to be wrong. If he be wrong his error must be classed, not under the heinous and awful crime of perjury, but under those sinless infirmities of mind to which men of all nations are more or less liable. It is to be noted that the Presbytery do not say and do not attempt to prove that Chiniquy gave this testimony knowing it to be false. Now, unless they are prepared both to say and to prove this, wherein lies the offence of his evidence being in some respects different from that of the prosecutors? It does seem strange that Chiniquy should have been subjected to prosecution on such grounds and on such a charge.

ALEX. F. KEMP.

Montreal, 30th April, 1863.

LETTER NO. 7.

The fifth specification of the prosecution is as follows:—"Attempting to procure false statements from a Christian minister, viz., by carrying to the Rev. J. B. L'Hote, on or about the 5th day of February, 1861, (the fact coming to the knowledge of the Presbytery not until March, 1862,) the draft of a letter written by himself, the accused, and addressed to the Rev. Mr. Staples, and containing statements and insinuations entirely contrary to the facts in the matter referred to, and directly or indirectly asking said L'Hote to copy and subscribe said false statements and insinuations with his own name, and send the letter as his own spontaneous production to said Staples."

That Chiniquy brought a draft of a letter to Mr. L'Hote, saying to him, "you might write this or something in this sense," to Mr. Staples is not denied. In doing so there was no offence committed. It was done with the desire of getting Mr. L'Hote, who at that time was his confidential friend, to mediate between himself and Mr. Staples, and to prevent if possible a contemplated division of his congregation. But it is denied that the draft contains aught that is false. Two witnesses attempt to show that it does, but their testimony mainly consists of impressions, opinions and inferences. Not one of the *facts* to which they testify are inconsistent with the statements contained in Chiniquy's draft. He is besides prepared to prove by many witnesses that the statements are true. The only witnesses produced on this charge are two of Chiniquy's keenest opponents. When besides one turns to the letter that was actually written to Mr. Staples at the time by Mr. L'Hote, we find that while it contains acknowledgments that Chiniquy acted towards him as a friend, and that he had nothing to complain of, it yet is the most manifest piece of backbiting that can well be conceived. Insinuations of the most infamous kind are made regarding Chiniquy under the form of things reported and said by others. An attempt is made to excite in Mr. Staples's mind a horrible suspicion that Chiniquy regards "lies and truth" as alike; "that he does not believe the gospel; that he calls upon God as the heathen philosophers or infidels called upon their gods, to deceive the people;" counselling that "the Presbytery ought to awake or they must expect that the true Christians will turn either to the Baptist or to the Episcopalian Church."

The temper of this letter to Mr. Staples is sufficiently shown by these extracts. It is evident, also, that in writing such an epistle, Mr. L'Hote was acting in the interest of those who at that time were striving, with a zeal worthy of a better cause, to split up the people whom Mr. Chiniquy had led out of Rome, into sects and parties. When Mr. Chiniquy left his united and happy people to go to Europe to advocate and promote their interests, he committed them, all unsuspecting, into the hands of those in whose Christian honour and prudence he thought he could confide, but when he returned he found himself the object of the vilest accusations, and his poor people split up into factions; every effort being made, by interested parties, to undermine and destroy his character. Spies were set upon his movements and words, and these were misrepresented and distorted to a fearful extent. Hence it happened that many who were really friendly to him, not appreciating the actual condition of things among the French people, were alienated and offended. In such circumstances what Chiniquy required was kindly counsel and sympathy not persecution and contempt.

The sixth specification is as follows:

"Violating the Rules of the Book of Discipline of the Presbyterian Church in their spirit, and the rules of the Holy Scripture by entering a suit in a civil court against the Rev. Mr. Staples, sometime in the spring of 1862, without attempting first to have the matter adjudicated, or to have it ascertained whether there was any cause of action, before the Presbytery of which they both are members."

It seems strange that any one should be charged with violating rules "in their spirit." What rules? The specification specifies not, but the committee of prosecution refer to "the chapters of the Confession of Faith and the Book of Discipline *passim*, as involving evidence in support of their charge." The word "passim," I presume, means "everywhere" or "here and there." Is not this strange proof of a strange accusation? What the "spirit" of the rules "passim" is there is no condescendence whatever. The passages of scripture put into evidence are 1 Cor. 6: 6-8 and Matt. 18: 15-17, which also are quoted at full length. These passages, to my mind, refer only to offences of a personal nature of which the Church may justly take cognizance, and not to cases of a civil or political kind of which the Church may not take cognizance. But the action brought by Chiniquy against

Staples was for "trespass" and claims damages to the amount of $30,000. Does the Presbytery assume by this charge jurisdiction in such causes? If not, why the charge at all? But if the Presbytery is always to be consulted first about law suits among the ministers or members of the Church how happens it that they overlooked the very numerous prosecutions of their own French Mission Committee against the poor French Canadians whose notes they unfortunately held? It is impossible to regard such a charge as this as anything else then frivolous and vexatious.

I have thus gone over all the accusations which the Presbytery of Chicago have urged against Mr. Chiniquy, and I think have shown that even on the evidence produced by themselves they are untenable. They also appear to me to be constructed on principles that violate the reasonable and humane principles of judicial procedure, either civil or ecclesiastical. A little judicious cross-questioning, too, would have compelled the Presbytery's witnesses to have given testimony even more clearly exculpatory of Chiniquy than they do; the direct evidence which Chiniquy has besides to produce, and is willing at any time to produce, would have constrained a majority of the Presbytery of Chicago itself to have gave him a verdict of acquittance. It is to be regretted that no way could be found by which this case could come under the review of the supe ior courts of the Old School Presbyterian Church. The gentlemen who usually transact the business of these courts with such well-known wisdom and ability, would, I am persuaded, have given, in terms that could not have been misunderstood, the protection of justice to the prosecuted if not persecuted Chiniquy. In writing thus, I do not mean to convey any imputations of improper motives on those gentlemen in the Presbytery of Chicago who have been the active prosecutors of Mr. Chiniquy. I disclaim such intention, but I cannot refrain from saying that they have come to the prosecution of Chiniquy with deep, strong, and undisguised foregone convictions of his guilt; with minds personally incensed against him; with prejudices regarding him, which every body could see but themselves, that rendered them incompetent to sit in judgment upon him, or to look with impartiality or consideration on his words or actions. That these gentlemen are sincere in their convictions no one who knows them at all can doubt. It is also clear that, in what they are doing they think that they are doing God service—along with their personal feelings there is a manifest zeal for the purity of the Church of Christ. The worst that I will say of them is, that I do not think they have the aptitudes just fitting them to deal successfully or wisely with this, to them, foreign French population, with whom they have been brought into contact. They were entrusted with the guidance and preservation of one of the most striking awakenings of the French people that has yet occurred on this continent, and the result has been a "people scattered and peeled"—a flock breaking up into factions; some of whom, alas! discouraged and perplexed are turning again to the bondage from which they had well nigh escaped.

There is a general impression abroad in the public mind that all Chiniquy's troubles have arisen from his not accounting for charitable funds with which he had been entrusted; but this, as my letters have showed, is not the case. That he has not given any full account of the monies he has collected for his people is, however, perfectly true; and those who have known Mr. Chiniquy longer far than the Presbytery of Chicago, are not prepared to quarrel with him on this score. That he has expended the money he obtained on his people they do not doubt—that he has enriched himself they do not believe. That he has memoranda and papers enough out of which to produce an account is most likely, but that he will ever make an account out of them is not likely. I do not think that Mr. Chiniquy's forte lies in book-keeping of any kind; but I am satisfied that if any accountant would spend three months on his papers he would be able to make out a statement that would show both his integrity of purpose and self sacrificing devotion to the welfare of his people.

But if the Presbytery complain that Chiniquy has not made a statement of his intromissions with Charitable funds he may reply that neither have they. They have it is true audited the accounts of Mr. Staples, but these accounts have never yet been published. That the audit is all right cannot be doubted. Still an audit is one thing and the wisdom and propriety of a financial administration quite another thing. Why does not the Presbytery publish to the world a statement of their accounts? Mr. Chiniquy has repeatedly asked for a statement of the monies taken from his letters which he gave authority to be opened in his absence, up to this day he has received none. He constituted one gentleman his attorney but he has never reported to his Principal. To this day Mr. Chiniquy does not know what amount of money was sent in letters addressed to him, and received by one of the prosecutors in the case; and he affirms in the most emphatic manner that much of the money sent to the French people of his colony has been diverted into other channels.

One thing is certain that a considerable sum of that money has been used in paying the costs of this prosecution against Mr. Chiniquy. Members of Presbytery and others have been paid out of the Mission Funds pretty heavy expenses. The Presbytery by a resolution ordered the chairman of the French Mission Committee to pay the travelling expenses of the members of Presbytery out of funds in his hands that had been collected for the French people. One member of Presbytery, when, in my hearing told that his expenses would have been paid from this source had he attended the Presbytery that deposed Chiniquy, replied that he "would not touch such money with the longest pole that ever grew—it was a gross misappropriation of funds designed for other purposes."

I state these things for the purpose of showing that Chiniquy is not without grounds of complaint, and that he may well say to the Presbytery when they ask account of his stewardship, "physician heal thyself." I rather think that the public at large from whom the funds came for the French colony in Kankakee, would think it an error in judgment that the Presbytery should collect notes by legal process from Chiniquy's poor people, and his

only, to obtain funds to pay for the prosecution of their pas or.

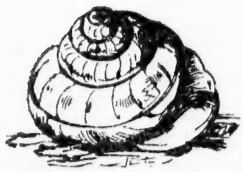
There are many other things that might be stated in defence of Mr. Chiniquy. I have aimed at bringing out the chief points only. After careful investigation into this case, and using every reasonable effort to obtain full information on all points, my own deliberate conviction is, in which I believe my colleagues share, that Chiniquy's Christian integrity and ministerial character come out of this fiery trial unscathed, and that he is entitled to be regarded as a brother in Christ by the Protestant Churches of Christendom. What the Synod of the Canada Presbyterian Church may do at its approaching meeting it is not for me to say, but I do hope that it will see it to be the path of duty to hold out the hand of fellowship to Pastor Chiniquy and his people.

Thanking you, Mr. Editor, for the space you have so kindly allotted to me for these letters, in your excellent and useful paper.

I am yours very sincerely,

ALEX. F. KEMP.

Montreal, 9th May, 1863.



APPENDIX.

At the meeting of the Synod of the Canada Presbyterian Church, in June last, the Rev. C. Chiniquy made application to be admitted, along with his congregation at Ste. Anne's, Illinois, into connection with this Church. A committee of Synod was appointed to confer with him in the meantime. This Committee found that Mr. Chiniquy had got into some difficulties with the Presbytery of Chicago, (O.S.,) with which both he and his congregation had been for some time connected. These difficulties appeared to be of a complicated character, and to arise out of proceedings, both in Presbytery and the Civil Courts, connected with the administration of charitable funds, and with the Educational Institute or College of Ste. Sauveur, under the immediate superintendence of Mr. Chiniquy. The led ultimately to a prosecution, or, libel, as we would call it, against Mr. Chiniquy, charging him with unministerial and unchristian conduct,—under six different specifications. Mr. Chiniquy was cited to answer these charges before the Presbytery, which met on the 10th June last, at Chicago. It was at this stage of the proceedings that he and his congregation resolved to separate themselves from the Presbytery of Chicago, and the Old School Presbyterian Church of the U.S., and to request recognition from the Canada Presbyterian Church. Their reasons for taking this step, the alleged, were not fear of the charges laid against Mr. Chiniquy by the Presbytery,—these Mr. C. declared his willingness to meet and refute; or want of affection and respect for the Presbyterian Church of the United States: or lack of gratitude to the members of that Church for their liberality and kindness to the Colony during its severe trials, but because, as they alleged, they had had no peace since they became connected with the Presbytery of Chicago, and that Mr. Chiniquy, having been already subjected to one long and expensive trial, in which, on every specification, he had been vindicated both by the Presbytery and the Synod, was now subjected to another, as they alleged, vexatious process, and required for his vindication to take witnesses to Chicago, a distance of 60 miles, at considerable cost, which Mr. C. declared his inability to do. In these circumstances Mr. C. and his congregation considered that no other course was left to them than either to submit to what appeared to them an injustice, or to separate themselves from the Presbytery of Chicago, and seek connection with some other Protestant Church.

This is the substance of the statements presented to the Committee of the Canada Synod.

As, however, they were necessarily of an *ex parte* character, the Synod deemed it both just and expedient, before coming to any decision, to send a deputation of their number to visit Ste. Anne, and on the spot to inquire into all the circumstances of the case. The Synod accordingly appointed the Rev. Alex. F. Kemp, (Converner,) Scott, and Wm. Cavan, a Committre to proceed as soon as possible to Ste. Anne's and to make the necessary inquiries; they were also instructed, if they saw their way clear to hand Mr. C. and his congregation over to the in terim care of the Presbytery of London, to be by them brought, in the usual form, before the next meeting of Synod.

This deputation left home on the 23rd June on this errand. They proceeded at once to Chicago and sought interviews with gentlemen there from whom information regarding Mr. Chiniquy might be obtained. They met with several esteemed elders and one minister of the Presbytery there, by whom they were received with courtesy and kindness. From them much information was received. They had all been Mr. Chiniquy's friends at one time, and had done a great deal to befriend him, and promote the good work of reformation, of which in Providence, he had been the chief instrument; but now they did not disguise the fact, that their opinions of Mr. Chiniquy were more or less unfavorable.

It was then agreed that one of the deputation should proceed to Rockford,—a distance of about 90 miles west of Chicago,—to see the clerk of the Presbytery, the Rev. Mr. Faris. By Mr. Faris he was received with the greatest kindness and cordiality. A document was here received from the Presbytery of Chicago, proffering to the deputation from Canada every information in their power to give. The deputy had also the pleasure of meeting with the Rev. Mr. Smith of Willow Creek, a Canadian, by-the-bye, and by both of these gentlemen he was treated with all the confidence of a brother. Having spent two days with them, and obtained all the information in regard to Mr. Chiniquy and his case, which they had time to give, he joined the other members of the committee, who had proceeded direct to Kankakee and Ste. Anne. At Kankakee they met Mr. Staples, who, with the frankness of a Christian brother, gave them as much information on the subjects of inquiry, as a conference of three hours would admit of. They also conferred with three lawyers of Kankakee, who were friendly to Mr. Chiniquy. On the Sabbath previous to this Mr. Scott and Mr. Cavan had met Mr. Chiniquy's congregation at Kankakee, to the number of about 150 to 200 persons. They met also with the congregation of Ste. Anne, numbering from 500 to 600 persons—They addressed both congregations through an interpreter, Mr. Labelle a student of the Canada Church, who also preached in French.

On Tuesday, 1st July, the deputation met with the Congregation under the pastorate of Mr. Chiniquy at Ste. Anne's in the large building known as the College, and used both as a Church and educational institution. 600 persons were present. The 3 members of the committee stated to them the object of their visit, the interest felt by the Church in Canada in their welfare, and their desire for the maintenance and extension of the work of reformation which had begun among them. They also asked from the people the exercise of Christian patience; stating, that although the work of inquiry was not altogether completed—and they could not at the present stage state what would be its final issue—they, however, deemed it proper to state that, having given a good deal of attention to the case, so far as they understood matters affecting Mr. Chiniquy, they saw no reason to withdraw their confidence from him, or to think that he might not in due time be received with confidence into the fellowship of the Canada Presbyterian Church. They also stated their love and regard for the Presbyterian Church of the United States; and, that they could not as brethren, holding the same faith and practising the same Government, do anything that was unfriendly to them. They indicated further, that probably, through friendly correspondence with the Presbytery of Chicago, some escape might be found from the difficulties in which the congregation were at present involved.

To make sure that the multitude of people before them were not brought there by curiosity merely, the Committee asked those who professed to be under the pastrol care of Mr. Chiniquy, in Ste. Anne's, to stand up. Upon this, with the exception of about 30 or 40 persons, the audience stood up in a mass. They were counted by sections by one of the Committee, and appeared to him to be not less than 550 people, mostly adults. We also asked them to show us whether the petition sent to the Canada Synod was an expression of their wishes. On this the mass of the people held up their hands. On the contrary opinion being asked for, only one hand was held up. The large and deeply interested congregation were dismissed with praise and prayer. One interesting feature of the worship, of this congregation is, that the people all stand up when the word of God is read;—it was a deeply affecting sight to the ministers from Canada, to see so large a number of French-Canadians brought out from the Church of Rome, and now worshipping God in the pure and simple forms of our beloved Presbyterian Church. It may be here stated that we were favored with the presence of the Rev. Mr. Hamilton, of Aurora, a member of the Chicago Presbytery, a gentleman of age and experience, whose views and sympathies were altogether in favor of Mr. Chiniquy; and who kindly favored us with such information as he was able to give, and avowed his unaltered confidence in Mr. Chiniquy.

One difficulty which met us by the way, and which we did not expect, was the fact that the Presbytery, notwithstanding Mr. Chiniquy's act of withdrawl from the body, continued the prosecution against him.—They suspended him for not appearing at their meeting for the 10th June, and cited him a second time to meet them at Kankakee; Mr. Chiniquy went to this meeting with his witness, but stated that he had withdrawn from connection with them. They refused to receive his witnesses unless he would withdraw his act of separation, stating to him that such was not allowable, more especially in the face of charges tabled against him. Mr. C. put questions to the Presbytery which was regarded as not pertinent, and, as his alleged, persisted in speaking to the hindrance of their business. He said nothing angrily or offensive to the Presbytery, so far as as we could discover, only he would ask questions and speak. The Presbytery irritated at this procedure, called upon the Mayor of Kankakee, who was present, to protect them from interruption. The Mayor, on being thus addressed, told Mr. C. that he must not interrupt the business of the Presbytery, and that unless he desisted from speaking, he would call for the Sheriff to put him in prison. On this, Mr. Chiniquy considering that his liberty of speech was interfered with left the Presbytery with his witnesses. The Presbytery immediately cited him a third time, and on his not appearing, they deposed him for aggravated contumacy, in accordance with chap. v, sect. xi., of their Book of Discipline. The Clerk of Presbytery was also ordered to publish this act of deposition in the religious newspapers of America and Europe. After this they appointed one of their number to act for Mr. Chiniquy, and proceeded to take the evidence in the charges. This evidence, both parole and documentary, oneof the committee read through with sufficient attention to estimate its character and bearing.

This deposition placed M. Chiniquy in a different position from that which the committee contemplated. They could not but see that he had acted irregularly in separating himself from the Presbytery in the face of charges tabled against him, and that he ought to withdraw his declinature of their jurisdiction and submit himself to the action of the Presbytery. This he stated his willingness to do if the Presbytery would hear his witnesses, at Kankakee or Ste. Anne's, and not compel him to go to Chicago. He also declared that in the steps which he had taken he had no intention of violating the order of the church; but only sought, in a way which seemed open to him to connect himself with the Church in Canada.

It so happened that while the deputation were there, a quorum of the Presbytery met at Ste. Anne's, for the ordination of M. Theodore Monod, son of the venerable Dr. Monod, of Paris, for whom a neat little Church has been erected, and who has a congregation of 150 or 200 persons, most of whom, if not all, were once under the care of Mr. Chiniquy. With Mr. Monod himself we had a long and interesting conference, and from him received such information as time permitted to be given; with his frankness and Christian courtesy the committee were highly gratified. The committee were present at the interesting services of the ordination, and were cordially welcomed by the Presbytery; after the servibe, they had conference with the brethren for about two hours, in which there was a free and friendly interchange of opinion. We did not see our way to any satisfactory solution of the difficulty, but we parted in the most amicable terms; the committee indicating that probably they would make an official communication to the Presbytery at its next ordinary meeting. Thus ended our labours at Ste. Anne's. It was, however, deemed necessary that one of the committee should have still

further conference with parties in Chicago, and with the Clerk of Presbytery. For this purpose he remained behind the other two, and had a further opportunity of discussing views and proposal with gentlemen deeply interested in M. Chiniquy's welfare.

As the conclusion of all their enquiry and labour, they feel constrained to say that, so far yet, they would not be justified in withdrawing their confidence from Mr. Chiniquy. They subjected him to a severe scrutiny. They tested his statements by every means in their power; they examined voluminous documents in his possession, which the Presbytery have not yet seen; they found a large and enthusiastic congregation attached to him as their pastor, and resolved to adhere to him; they saw three young men under instruction for the Gospel ministry, and had good evidence presented to them of the fact that at one time upwards of thirty young lads, from 14 to 21 years of age, were desirous to study for the ministry; whatever their fitness for this profession might be, it appeared to them that at one time they had expressed a desire for it, and had entered upon studies with that view. They are now scattered—some have gone to the army, some have relinquished the idea—but the Committee were informed, on evidence which they could not doubt, that there were still 24 young persons willing were opportunity offered them, to study for the Ministry. A College, in the proper sense of the term, such as a Presbyterian church would recognise, they did not find; but they saw what everywhere in French-speaking Lower Canada is called a College, in which, with an adequate staff of teachers, young Frenchmen might be prepared for the studies pursued in the Theological Colleges of this country. And this, so far as the Committee could discover, was all that Mr. Chiniquy contemplated. If this work of reformation is to be carried on, it does appear that a French Institute, whether it be called a College or by any other name, is required for preparing young men for the Ministry. They did see some promising young men under training, who, if properly guided, may become able Ministers of the Gospel.

The Committee purpose making a representation to the Presbytery of Chicago in regard to the case, and hope that the Lord will graciously guide all interested in this matter, so that no injury may accrue to the cause of the Redeemer, or to the important work of reformation among the French-speaking people in Illinois. They would purposely refrain from being more specific in their statements at present, but hope ere long to be able to present a more full and favourable report of this case to the Church.

ALEX. F. KEMP.